

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**Rowena Wagner
Plaintiff**

**CIVIL ACTION NO. 04-264 ERIE
Judge Sean J. McLaughlin**

vs.

ELECTRONICALLY FILED

**Crawford Central School District, et. al.
Defendant**

MOTION TO WITHDRAW AS COUNSEL

AND NOW, comes Edith Benson and seeks to withdraw as Plaintiff's co-counsel in the above matter and in support of this Motion states the following:

1. Plaintiff was advised in July of this year, both orally and in writing, that I would seek to withdraw from this case due to health reasons;
2. With a diagnosis of heart disease and diabetes, I need to refocus my priorities, time and energy on getting better;
3. A recent hospitalization in September reminded me of the need for this change;
4. Yesterday, October 31, 2006, I met with Plaintiff to remind her of my intent to seek to withdraw and to review with her the upcoming stages of her case, i.e., Pre-Trial Narrative Statement, Final Pre-Trial Conference and Trial;
5. Plaintiff was given a copy of Local Rule 16.1 governing Pre-Trial Procedures, with special attention being paid to the required content of the Pre-Trial Narrative Statement;
6. Co-counsel Caleb Nichols was present at this meeting and, like Plaintiff, has known of my intent to seek a withdrawal since July;
7. Earlier this year, I entered this case when the court was faced with determining whether a settlement existed between the parties and continued through the motion and arguments for summary judgments. Both of these matters were extremely stressful and time consuming.
8. I believe Plaintiff is in a better position than when I entered the case and should not be harmed with my withdrawal. Attorney Nichols will continue to represent Plaintiff.

WHEREFORE, I move to withdraw as co-counsel in the above case.

/s/ Edith Benson

Edith Benson, Esquire
PA. Atty. No.: 33510
4683 Budd Drive
Erie, PA 16506
814-838-3670

CERTIFICATE OF SERVICE

I certify that a copy of the above Motion to Withdraw As Counsel was served on Plaintiff Rowena Wagner by U. S. First Class Mail, Postage Pre-paid, at her residence, Box 781, Cochranton, PA 16314, on November 1, 2006.

/s/ Edith Benson

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